

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ROGER DEAN GILLISPIE,)	
)	
Plaintiff,)	JUDGE ROSE
)	MAGISTRATE OVINGTON
v.)	
)	CASE NO. 3:13-CV-416
CITY OF MIAMI TOWNSHIP, et al.,)	
)	<u>MOTION TO SET</u>
Defendants.)	<u>DEADLINES (UNOPPOSED)</u>
)	

Now Comes Plaintiff Roger Dean Gillispie, by and through his attorneys, respectfully moving this Court to set a deadline of April 27, 2018, to respond to all currently pending Motions to Dismiss and Motions for Judgment on the Pleadings. In support, Plaintiff states as follows:

1. This action was filed on December 13, 2013.
2. Originally, the following motions directed to the pleadings were filed:
 - a. Motion to Dismiss Pursuant of Defendant Richard Wolfe (Dkt. 47).
 - b. Motion of Defendants Montgonery County, Kenneth Betz, and Denise Rankin to Dismiss Plaintiff's First Amended Complaint (Dkt. 51)
 - c. Miami Township Defendants' Joint Motion for Judgment on the Pleadings (Dkt. 53)

3. On June 25, 2014, the Court docketed an order staying this matter pending the final adjudication of Plaintiff's criminal case. (*See* Dkt. 74). In so doing, this Court denied as moot the above listed pleadings, subject to refileing at a later time. *Id.* ("All pending motions (Doc. Nos. 47, 51, 53, 59, and 72) to the extent not decided herein are found to be MOOT without prejudice to their renewal upon the lifting of the stay.").

4. At the time of the Order, Defendant Wolfe's motion directed to the pleadings was fully briefed, and remained pending. (*See* Dkt. Nos. 47, 56, and 66).

5. Since the stay has been lifted, multiple motions to dismiss and motions for judgment on the pleadings have been filed, which are:

- a. Motion to Dismiss of Robert Miller. Dkt. No. 117,
- b. Joint Motion for Judgment on the Pleadings on Counts VII and VIII filed by Scott Moore and Richard Wolfe. Dkt. 121
- c. Motion for Judgment on the Pleadings by Thomas Angel, John Dipietro and Stephen Gray. Dkt. 122
- d. Supplemental Motion for Partial Judgment on the Pleadings by Miami Township. Dkt. 123
- e. Supplemental Motion to Dismiss of Defendants Montgomery County Ohio, Kenneth M. Betz and Denise Rankin. Dkt. 124.

6. The only parties to actually renew their previously-filed motion are the "Montgomery County" defendants. (Dkt. 124).

7. Defendant Wolfe intends to renew his fully-briefed motion to dismiss, and the parties agree that the same submissions previously filed will be used again for this Court's consideration.

8. Defendants Angel, DiPitero, and Gray, through an inadvertent mistake, asserted that their previously-denied motion for judgment on the pleadings (Dkt. 53) remains pending. *See* Dkt. 122 at 3. Defendants Angel, DiPitero, and Gray now agree that the only pending motion they have directed to the pleadings is Dkt. 122, and not the previously-filed motion. These Defendants have also declined to file any additional document concerning matters previously raised.

9. The undersigned is in trial this week, and other counsel for Mr. Gillispie, David B. Owens, is in trial shortly thereafter with a trial beginning on April 2, 2018.

10. Accordingly, given these trial obligations and the number of motions outstanding, Plaintiff respectfully requests until April 27, 2018, to respond to all of the still-pending motions directed to the pleadings. Plaintiff's counsel would not seek such an extension if doing so were not absolutely necessary, given the other trial obligations confronted in the next few weeks and into April.

11. Plaintiff's Counsel shall file separate responses for the convenience of the Court.

12. Defendants do not oppose this motion.

WHEREFORE, Plaintiff requests an extension of time until April 27, 2018, to respond to all pending motions directed to the pleadings.

RESPECTFULLY SUBMITTED,

/s/Mike Kanovitz

Mike Kanovitz

One of Plaintiff's Attorneys

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CERTIFICATE OF SERVICE

I, Mike Kanovitz, an attorney, certify that a copy of the foregoing was filed electronically on March 13, 2018, and a copy was served on counsel of record via the Court's electronic filing system.

/s/ Mike Kanovitz